

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

MARCUS WOODSON, )  
                        )  
Plaintiff,         )  
                        )  
v.                     )              Case No. CIV-06-526-T  
                        )  
BILL WINCHESTER, et al., )  
                        )  
Defendants.         )

**O R D E R**

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Doyle W. Argo pursuant to 28 U.S.C. § 636(b)(1)(B). Judge Argo recommends this prisoner civil rights action be dismissed without prejudice to refiling for failure to plead exhaustion of administrative remedies as required by 42 U.S.C. § 1997e(a) and *Steele v. Federal Bureau of Prisons*, 355 F.3d 1204 (10th Cir. 2003). Judge Argo further recommends that Plaintiff first be given an opportunity to amend his pleading.

Plaintiff has neither objected to the Report nor requested additional time to object, and thus has waived further review of the issues addressed by Judge Argo. For this reason, and because *de novo* consideration reveals that Judge Argo's analysis is correct, the Court adopts the Report and Recommendation in its entirety.

Therefore, the Court finds Plaintiff's complaint fails to state a claim upon which relief can be granted under 42 U.S.C. § 1983 due to the lack of sufficient allegations to satisfy 42 U.S.C.

§ 1997e. This action will be dismissed without prejudice to refiling unless, within fifteen days after this date, Plaintiff files an amended complaint to cure this pleading deficiency.

IT IS SO ORDERED this 8<sup>th</sup> day of August, 2006.



RALPH G. THOMPSON  
UNITED STATES DISTRICT JUDGE